UNITED STATES PATENT AND TRADEMARK OFFICE

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09/893,112	06/27/2001	Philip M. Walker	10005039-1	4872

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EXAMINER
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ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02 July 2008</u>.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>*1-6 and 12-16*</u> is/are pending in the application.
  4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>*1-6 and 12-16*</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on <u>21 February 2002</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.
  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  a)☐ All   b)☐ Some * c)☐ None of:
    1.☐ Certified copies of the priority documents have been received.
    2.☐ Certified copies of the priority documents have been received in Application No. _____.
    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
      application from the International Bureau (PCT Rule 17.2(a)).
  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
  Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
  Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

This office action is in response to the submission filed on 7/2/2008. Claims 1-6, 12-16 are amended. Claims 7-11, 17-19 are cancelled.

Response to Arguments

In response to applicant's argument regarding the 112 2nd rejections of claims 1-6, the argument have been fully considered and are persuasive, the 112 2nd rejections of claims 1-6 are withdrawn.

In response to applicant's argument regarding the 101 rejections of claims 7-16, claims 7-11 are now cancelled. In regard to claims 12-16 the argument is persuasive, (the storage medium is herein interprets as RAM or ROM and the like as mentioned in the applicant's original disclosure page 9, lines 19-21). However in regard to the term "computer readable storage medium", the "computer readable storage medium" is not in the original disclosure, but only the term "computer readable medium" being mentioned. The term "computer readable storage medium" is therefore introduced the 112 1st new matter (see the below rejection for detail). In order to overcome the 112 1st new matter rejections the applicant need to amend the specification to add the term "computer readable storage medium".

In response to applicant's argument that the prior art does not teach, "providing a GUI that enables an operator of the service provider to construct a connection between a clients… and the service provider using the same process regardless of the configurations of the remote client networks". Examiner respectfully disagrees, Pugaczewski (hereinafter Pug) discloses providing a GUI to a user (i.e. operator) of the network management system to initiate a connection build between a customer (client) and the service provider (see Pug col.3, lines 1-14). Pug further discloses providing a genetic set of models to configure the network connection between the first end point and the second end point (see Pug abstract). Hsieh teaches the concept of using VLAN, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 12-16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to

one skilled in the relevant art that the inventor(s), at the time the application was filed,

had possession of the claimed invention.

Claims 12-16 cited, "computer readable storage medium...", the disclosure as

original filed does not disclose the added limitation.

Applicant is required to either provide support by original specification for

"computer readable storage medium" or cancel this limitation.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4, 6,12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Pugaczewski et al (us pat 6,903,755) (hereinafter Pug) in view of Hsieh et al (us

2002/0158900) (hereinafter Hsieh).

As regarding claim 1, Pug discloses providing a graphical user interface that

enable an operator of the service provider to construct a connection between the

remote client on the client network and the service provider computer on the service

provider (see Pug col.3, lines 1-14; provide GUI to network management system for

configuring a connection between first service end point may be an ISP and the second

service end point may be a customer);

using a process that is the same regardless of a configuration of the remote

client networks (see Pug abstract, provide a genetic set of models to configure the

network connection between the first end point and the second end point);

receiving a command of the service provider operator with the GUI that convey

the identity of a particular client and a particular service provider computer to be

accessed by the client (see Pug col.19, lines 59-67; also see figure 23, identity of

customer 542; and identity of ISP 542);

automatically determining the configuration of the client network (see Pug col.19,

lines 59-67 to col.20, lines 1-33, also see figure 23);

automatically establishing connection between client's network and the service

provider computer (see Pug col.4, lines 40-47, configuring network connection between

provider access point and a user access point; col.19, lines 59-67 to col.20, lines 1-33,

also see figure 23);

to enable the client to remotely utilize the computing capabilities of the service

provider computer (see Pug col.8, lines 14-22, a customer connects to an internet

service provider).

repeating actions (b) through (d) for multiple different clients having different

network configurations, the process used by the service provider operator to construct

the connection using the GUI being the same regardless of the different network

configurations (see Pug abstract, provide a genetic set of models to configure the

network connection between the first end point and the second end point; Pug discloses

all the steps above).

Pug discloses the invention as claimed, however Pug does not specifically

disclose the connection between the customer and the service provider is a VLAN.

Hsieh discloses the connection between the customer and the service provider is

a VLAN (see Hsieh pg.6, par 0053; pg.7, par 0058).

It would have been obvious to one with ordinary skill in the art at the time the

invention was made to combine the teaching of Hsieh to the method of Pug to use

VLAN as the connection between the customer and the service provider for the purpose

of avoiding latency infrastructures as compared with operating across a number of

routers (see Hsieh pg.6, par 0053; pg.7, par 0058).

As regarding claim 2, Pug-Hsieh discloses wherein the GUI comprises lists of

clients and available service provider computers (see Pug col.19, lines 59-67; also see

figure 23, identity of customer 542; and identity of ISP 542).

As regarding claims 3, Pug-Hsieh discloses wherein receiving commands

comprises first receiving selection of a client for which connectivity is to be provided

(see Pug col.19, lines 59-67; also see figure 23, identity of customer 542; and identity of

ISP 542).

As regarding claim 4, Pug-Hsieh discloses detecting association of a service

provider computer with a client VLAN (see Hsieh pg.6, par 0053; pg.7, par 0058). The

same motivation was utilized in claim 1 applied equally well to claim 4.

As regarding claims 6, Pug-Hsieh discloses wherein determining the client

network configuration comprises accessing a connectivity database that stores the

client network configuration (see Pug col.1, lines 62-67).

As regarding claims 12-16, the limitations of claims 12-16 are similar to

limitations of rejected claims 1-4,6, therefore rejected for the same rationale as claims

1-4, 6.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pug and

Hsieh as applied to claim 4 above, and further in view of McNally et al (us pat

6,259,448) (hereinafter McNally).

As regarding claim 5, Pug-Hsieh discloses the invention substantially as

claimed in claim 4 above, however the combination of Pug-Hsieh does not disclose the

concept drag and drop in GUI.

McNally teaches the concept of implement the drag and drop protocol in a

graphical user interface (see McNally col.2, lines 9-21).

It would have been obvious to one with ordinary skill in the art at the time the

invention was made to combine the teaching of McNally to the method of Pug-Hsieh to

implement drag and drop protocol in a GUI, because by dragging and dropping would

reduce the work of administrator and minimize the number of actions required by the administrator (see McNally col.2, 1-40).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DUYEN M. DOAN whose telephone number is (571)272-4226. The examiner can normally be reached on 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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published applications may be obtained from either Private PAIR or Public PAIR.

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. M. D./
Examiner, Art Unit 2452

/Kenny S Lin/
Primary Examiner, Art Unit 2452